

REMARKS

Claims 1-2, 10-12, and 16-22 are pending in this application. Claims 1, 12, and 20-22 are independent claims. Claims 2, 10, 11, and 16-19 are dependent claims.

Claims 1-2, 10-12, and 16-22 have been rejected. Amendments to claims 1, 2, and 20-22 are presented herein.

The specification has been amended with respect to the title of the invention.

No new matter is being presented, and approval and entry are respectfully requested.

Rejections Under 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected claims 1-2, 10-12, 16-18, and 20-22 Under 35 U.S.C. § 102(b) as being anticipated by Shimizu et al. (US Pub 2002/0041239). Applicant respectfully traverses these rejections for the reasons presented below.

Claim 1 recites, as amended, "... a shooting unit which shoots an object, a position of the object being movable; an expected shooting state storing unit which stores expected shooting state information which represents an expected position of the object; a guide determining unit which determines how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting unit; a guide instruction outputting unit which instructs how the object is to be guided to the expected position based on a result of the determination made by said guide determining unit; ..."

As recited, in claim 1 of the application, a position of the object is movable. And the guide instruction outputting unit instructs how the object is to be guided to the expected position. Here, “how the object is to be guided to the expected position” is determined based on the expected shooting state information and an image shot by the shooting unit.

Shimizu discloses a parking aid system. In the system, a camera (back monitor 7) and a display unit 8 are provided on a vehicle. The display unit displays (a) the target parking position, (b) the subject vehicle position, and (c) an expected parking position. When the driver moves the subject vehicle, (b) the subject vehicle position and (c) an expected parking position are changed on the display unit 8. The driver determines how to move the vehicle referring to the display.

As described, in the system of Shimizu, the driver has to determine how to move the vehicle to the target parking position. That is to say, the system merely displays the above (a)(b)(c), but does not determine how to move the vehicle.

Accordingly, Shimizu fails to disclose “a guide determining unit which determines how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting unit”.

In addition, a position of the object (which is shot by a camera) is movable in the present invention. Contrary, in the system of Shimizu, parking position (which is monitored using a camera) is fixed, but the camera provided on the vehicle is moved. That is, in Shimizu, the object shot by the camera is not movable and thus the position of the object is never guided. Accordingly, the configuration of Shimizu is different from the present invention.

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Independent claims 20-22 recite similar features as claim 1. Therefore, Shimizu also fails to disclose the feature of claims 20-22.

Dependent claims 2, 10, 11, 16-18 depend from claim 1 and are patentable over the cited art for at least the reasons discussed above.

Claim 12 recites "... a detecting unit which detects a proportion of the image in the particular color to a whole of an image shot by said shooting unit; a guide instruction outputting unit which instructs a direction where the object is to be guided based on a result of detection made by said detecting unit; ..."

However, Shimizu does not detect a proportion of the image in the particular color to a whole of an image shot by said shooting unit. Thus, Shimizu fails to disclose the detecting unit and the guide instruction outputting unit of the present invention.

Therefore, Applicant submits that claims 1, 2, 10-12, 16-18, and 20-22 patentably distinguish over the prior art. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under § 102.

Rejections Under 35 U.S.C. § 103

On page 12 of the Office Action, the Examiner rejected claim 19 Under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in further view of Examiners Official Notice.

Claims 19 depends from claim 1. Therefore, claim 19 is patentable over the cited art for at least the reasons discussed above.

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Furthermore, on page 12 of the Office Action, the Examiner concedes that Shimizu fails to teach the recitation of claim 19 of “said guide instruction outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit.” The Examiner has taken Official Notice of said recitation contending that it is old and well-known to use stereophonic sound in an audio system.

The Applicant respectfully traverses the Examiner's statement and request that the Examiner produce authority for the statement. Applicant specifically points out the following errors in the Examiner's action.

First, the Examiner uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the feature is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this feature is unique to the present application. See M.P.E.P. § 2144.03(A) (“the notice of facts beyond the record which may be taken by the Examiner must be “capable of such instant and unquestionable demonstration as to defy dispute”).

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Third, there is no evidence supporting the Examiner's assertion. *See* M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, it appears that the Examiner also bases the rejection, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, Applicant calls upon the Examiner to support such assertion with an affidavit.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted to be in condition for allowance, which action is courteously solicited.

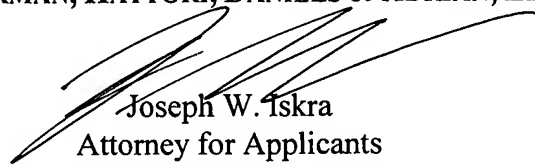
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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